

ing, the selection of proper building material and all other matters connected with the adoption of such plans.

SEC. 2. That the sum of two thousand dollars, or so much thereof as may be necessary, from the proceeds of the fifty thousand acres of land set aside to survey lands for the erection of a new capitol, to be paid under the direction of the governor, be and is hereby appropriated to carry out the objects of section 1 hereof.

SEC. 3. Whereas, it is necessary, to hasten the building of the state capitol, that this resolution should take effect from and after its passage, therefore an emergency exists and an imperative public necessity demands the suspension of the constitutional rule which requires a bill to be read on three several days, therefore that the rule be suspended and that bill take effect and be in force from and after its passage.

Approved February 15, A. D. 1881.

Takes effect from passage.

No. 6—*Joint Resolution proposing an amendment to sections 2, 3, 5, 6, 8 and 17, article 5, of the constitution of the State of Texas.*

SECTION 1. *Be it resolved by the Legislature of the State of Texas,* That sections 2, 3, 5, 6, 8 and 17, article 5, of the constitution of the State of Texas shall be so amended as to read as follows :

ARTICLE V.—JUDICIARY.

SEC. 2. The supreme court shall consist of a chief justice and six associate justices, four of whom shall constitute a quorum of the whole. A quorum being present, they may organize two divisions, each to consist of three judges, the chief justice to co-operate with either section. Two judges of a division shall constitute a quorum. One of the members in either division dissenting may refer any question in a case, or the whole cause, to all the members of the court, when a decision shall be made by a majority of a quorum of the whole, that may be present. No justice shall be permanently assigned to any division, but the justices may alternate under such rules as the court may prescribe. The judges of the supreme court, in office at the time of the adoption of this article, and four judges to be appointed by the governor, shall compose the supreme court, until the next general election; and the chief justice of the present supreme court shall be chief justice of the supreme court created by this article, until the next general election, at which election there shall be elected seven justices, whose term of office shall be six years, and who shall select a chief justice from among their number, who shall hold his office for two years, or until otherwise ordered by the court. The justices of the supreme court shall be elected by the qualified voters of the State at a general election for State or county officers. They each shall be a qualified voter, and shall have arrived at the age of thirty years, and shall have been a practising lawyer, or a judge of a district court in this State, or such judge and lawyer together, at least seven years at the time of their election. They shall hold their office for the term of six years, and each of them shall receive an annual salary of not less than three thousand six hundred dollars, which shall not be increased or diminished during his term of office. In case of a vacancy in the office of chief justice or associate justice of the supreme court, the governor shall file

the vacancy by appointment until a successor be elected at the next general election for State or county officers, and the justices so elected shall hold such offices for the unexpired term.

SEC. 3. The supreme court shall have appellate jurisdiction only except as herein specified, which shall be co-extensive with the limits of the State. Its appellate jurisdiction shall extend to all civil cases of which the district or county court has original or appellate jurisdiction, and of such other cases as may be prescribed by law; but in appeals from interlocutory judgments, with such exceptions and under such regulations as the Legislature may prescribe. The supreme court and the justices thereof shall have power to issue the writ of *habeas corpus*, as may be prescribed by law, and under such regulations as may be prescribed by law the said court and the justices thereof may issue the writs of *mandamus*, *procedendo*, *certiorari* and such other writs as may be necessary to enforce its jurisdiction. The Legislature may confer original jurisdiction on the supreme court to issue writs of *quo warranto* and *mandamus* in classes of cases specified by it, except as against the governor of the State. The supreme court shall also have power, upon affidavits or otherwise, as by the court may be thought proper, to ascertain such matters of fact as may be necessary to the proper exercise of its jurisdiction. The supreme court shall sit for the transaction of business from the first Monday in October in each year until the last Saturday in June of the next year, at the capital and two other places, or at the capital only, if the Legislature shall hereafter so provide.

SEC. 5. The court of appeals shall consist of three judges, any two of whom shall constitute a quorum, and the concurrence of two judges shall be necessary to a decision of said court. They shall be elected by the qualified voters of the State at a general election. They each shall be a qualified voter, and shall have arrived at the age of thirty years, and shall have been a practising lawyer or judge of a district court in this State, or such lawyer and judge together at least seven years at the time of their election. They shall hold their office for the term of six years, and each of them shall receive an annual salary of not less than three thousand six hundred dollars, which shall not be increased or diminished during his term of office. In case of a vacancy in the office of judge of the court of appeals, the governor shall fill the vacancy by appointment until a successor be elected at the next general election, and the judge or judges so elected shall hold office for the unexpired term.

SEC. 6. The court of appeals shall have appellate jurisdiction co-extensive with the limits of the State in all criminal cases of whatever grade. The court of appeals and the judges thereof shall have power to issue the writ of *habeas corpus*, and under such regulations as may be prescribed by law, issue such writs as may be necessary to enforce its own jurisdiction. The court of appeals shall have power, upon affidavits or otherwise as by the court may be thought proper, to ascertain such matters of fact as may be necessary to the exercise of its jurisdiction. The court of appeals shall sit for the transaction of business from the first Monday in October of each year until the last Saturday in June of the next year, at the capital, and at two other places, or at the capital only, if the Legislature shall hereafter so provide.

SEC. 8. The district court shall have original jurisdiction in all criminal cases of the grade of felony; of all suits in behalf of the State to recover penalties, forfeitures and escheats; of all cases of divorce; of all

misdemeanors involving official misconduct; of all suits to recover damages for slander or defamation of character; of all suits for trial of title to land, and for the enforcement of liens thereon; of all suits for the trial of the right of property levied upon by virtue of any writ of execution, sequestration or attachment issuing out of said court without regard to value; of all suits, complaints or pleas whatever, without regard to any distinction between law and equity, when the matter in controversy shall be valued at or amount to five hundred dollars exclusive of interest; of contested elections; and said court and the judges thereof shall have power to issue writs of *habeas corpus*, *mandamus*, *injunctions* and *certiorari*; and all writs necessary to enforce their jurisdiction. The district court shall have appellate jurisdiction and general control, in probate matters, over the county court established in each county, for appointing guardians, granting letters testamentary and of administration, probating wills, for settling the accounts of executors, administrators and guardians, and for the transaction of all business appertaining to estates, and original jurisdiction and general control over executors, administrators, guardians and minors, under such regulations as may be prescribed by law. The district court shall have appellate jurisdiction and general supervisory control over the county commissioners' courts, and shall have general original jurisdiction over all causes of action whatever, for which a remedy or jurisdiction is not provided by law or this constitution. All cases pending in the court of appeals, of which the supreme court has appellate jurisdiction, under the provisions of this article, shall be certified and the records transmitted to the supreme court, and shall be decided by the supreme court as if the same had been originally appealed to such court.

SEC. 17. The county court shall hold at least four terms, for both civil and criminal business, annually, as may be provided by law, and such other terms each year as may be fixed by the county commissioners' court of each county, or as may be provided by law; *provided*, the county commissioners' court of any county, having fixed the times and number of terms of the county court, shall not change the same again before the expiration of one year. Said county court may dispose of probate matters either in term time or vacation. Prosecution may be commenced in said court in such manner as is now or may be provided by law, and a jury therein shall consist of six men under such regulations as the Legislature may prescribe.

Be it further resolved, That the governor be and he is hereby required to issue his proclamation, directing an election to be held throughout the State on the first Tuesday in September, A. D., 1881, for the purpose of submitting the foregoing amendments to the qualified voters of the State, and to cause to be published, once a week for four weeks, at least three months prior to said election, the above proposed amendments in one weekly newspaper of each county in the State, in which a newspaper may be published, and he shall direct said election to be held in accordance with the law regulating general elections. Upon the receipt of the proclamation of the governor, the county judge shall proceed to issue his writs of election, appointing judges of election in accordance with the election law. Those desiring to vote for the amendment shall have written or printed upon their tickets: "For amendment to article five." Those desiring to vote against the amendment shall have written or printed upon their tickets: "Against amendment to article five." Immediately after the election the officers of each precinct shall for-

ward to the county judge of their county a duplicate return showing the number of votes cast for or against the amendment, and on the tenth day thereafter the county judge shall open and count said returns, and forthwith forward to the secretary of state, in a sealed package, a tabulated statement thereof, showing the total number of votes cast in the county for or against the amendment, and on the fortieth day after said election the secretary of state shall, in the presence of the governor and attorney general, open and count said returns; and if it shall appear from the returns that a majority of the votes were cast for said amendment, it shall be the duty of the governor on the following day to issue his proclamation setting forth the fact that said amendment has received a majority of the votes cast at said election, and shall proclaim that said amendment has become and is a part of the State constitution, and this amendment shall take effect from and after said proclamation.

Passed March 14, 1881, by vote of two-thirds of all the members elected to each house.

No. 7.—*Joint Resolution granting the Hon. G. B. Gerald, judge of the county court of McLennan county, sixty days leave of absence from the State.*

SECTION 1. *Be it resolved by the Legislature of the State of Texas,* That a leave of absence from the State for a period of sixty days during the year A. D. 1881, be and is hereby granted to Hon. G. B. Gerald, judge of the county court of McLennan county, said leave to be taken between June the tenth and September the first, as best suitable to the duties of his office.

SEC. 2. Whereas, important matters call the Hon. G. B. Gerald from our State during the year A. D. 1881, and as the end of this session of the Legislature is near at hand, therefore an emergency exists and an imperative public necessity demands that the constitutional rule requiring a bill to be read on three several days be suspended and that this resolution take effect and be in force from and after its passage.

Approved March 17, A. D. 1881.

Takes effect ninety days after adjournment.

No. 8.—*Joint Resolution amending section 24 of article 3 of the constitution of the State of Texas.*

SECTION 1. *Be it resolved by the Legislature of the State of Texas,* That section twenty-four (24) of article 3 of the constitution of the State of Texas be so amended as to hereafter read as follows (viz):

"Section 24. The members of the Legislature shall receive from the public treasury such compensation for their services, as may from time to time, be provided by law, not exceeding five dollars per day. In addition to the per diem, the members of each House shall be entitled to mileage in going to and returning from the seat of government, which mileage shall not exceed five (\$5.00) dollars for every twenty-five miles, the distance to be computed by the nearest and most direct route of travel by land, regardless of railways or water routes; and the comptroller of the state shall prepare and preserve a table of distances to each county seat, now